

1 **Nicholas J. Henderson, OSB No. 074027**

2 nhenderson@portlaw.com
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5 Portland, OR 97104
6 (503) 417-0501

7 *Attorney for Plaintiff Andrea Bartelamia*

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF OREGON**
11 **PORLTAND DIVISION**

12 ANDREA BARTELAMIA, an individual,

13 Plaintiff,

14 v.

15 U.S. BANK NATIONAL ASSOCIATION,
16 a Minnesota corporation, as trustee for the
17 RMAC TRUST, SERIES 2016-CTT, and
18 QUALITY LOAN SERVICE CORPORATION,
19 a Washington State corporation,

20 Defendants.

21 Case No. 3:23-cv-00877

22 **DECLARATION OF ANDREA
23 BARTELAMIA IN SUPPORT OF
24 PLAINTIFF'S EX PARTE
25 EMERGENCY MOTION FOR
26 TEMPORARY RESTRAINING
27 ORDER AND ORDER TO SHOW
28 CAUSE WHY A PRELIMINARY
29 INJUNCTION SHOULD NOT BE
30 ENTERED**

31 I, Andrea Bartelamia, hereby declare the following under penalty of perjury:

32 1. I am the Plaintiff in the above-captioned matter.

33 2. I am over the age of eighteen (18) and make this Declaration based on personal
34 knowledge, and would testify to the same if called to do so.

35 3. I own and reside at the real property located at 21975 SW 65th Ave., Tualatin,
36 Oregon (the "*Property*").

37 4. The Property is scheduled to be sold at the foreclosure sale scheduled for 10:00
38 a.m. on June 20, 2023 (the "*Sale*").

39 5. The Property is encumbered by a Deed of Trust dated December 29, 2004, by and
40 between Adelheid Lee, also known as Heidi Lee ("*Grantor*"), as Grantor, Transnation Title

1 Insurance Company, as Trustee, and GreenPoint Mortgage Funding, Inc. (“*GreenPoint*”), as
 2 Beneficiary, recorded on January 5, 2005, as Recording No. 2005-001260 in the real property
 3 records of Washington County, Oregon (the “***Deed of Trust***”).

4 **6.** The beneficial interest of the Deed of Trust has been assigned to Defendant U.S.
 5 Bank National Association, a Minnesota corporation, as trustee for the RMAC Trust, Series
 6 2016-CTT (“***U.S. Bank***”), and is currently held by the same.

7 **7.** Defendant Quality Loan Service Corporation, a Washington State corporation
 8 formerly known as Quality Loan Service Corporation of Washington (individually, “*QLS*,” and,
 9 together with U.S. Bank, the “***Defendants***”) has been appointed as successor trustee under to the
 10 Deed of Trust.

11 **8.** The Deed of Trust was given by Grantor to secure a loan in the amount of
 12 \$320,000 (the “***Loan***”).

13 **9.** Grantor ceased making payments on the Loan on June 1, 2008.

14 **10.** On information and belief, Defendants’ predecessors-in-interest accelerated the
 15 Loan before Grantor’s filing of bankruptcy on October 8, 2008, as a result of Grantor’s default of
 16 the Loan terms.

17 **11.** Attached as Exhibit 1 is a true and correct copy of a Notice of Default and
 18 Election to Sell recorded in the Washington County land records on September 14, 2010, as
 19 Recording No. 2010-074719.

20 **12.** Defendants’ and Defendants’ predecessors-in-interest, respectively, have
 21 attempted and subsequently rescinded to foreclose on the Property judicially and non-judicially
 22 on multiple occasions.

23 **13.** On February 2, 2023, Defendants announced the planned Sale following their
 24 joint election to sell by recording a Notice of Sale and Election to Sell in the real property
 25 records of Washington County, Oregon, as Recording No. 2023-004429. The Sale

14. My counsel filed the Complaint requesting declaratory relief for the purpose of protecting my rights in the Property.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND UNDERSTAND
THAT IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY
OF PERJURY IN THE UNITED STATES OF AMERICA AND THE STATE OF OREGON.

DATED: June 16, 2023

s/ Andrea Bartelamia
Andrea Bartelamia, Declaran

Washington County, Oregon 2010-074719

09/23/2010 02:08:47 PM
D-MDES Cnt=1 Stn=18 D HOFFMAN
\$18.00 \$8.00 \$11.00 \$18.00 - Total = \$46.00

31
When recorded return to:
I, Richard Hobernicht, Director of Assessment and
Taxation and Ex-Officio County Clerk for Washington
County, Oregon, do hereby certify that the within
Instrument of writing was received and recorded in the
book of records of said county.

Richard Hobernicht
Richard Hobernicht, Director of Assessment and
Taxation, Ex-Officio County Clerk



UTLS Default Services, LLC
Post Office Box 5899
Irvine, CA 92616

Space above this line for recorders use only

TS # 039-004887

Order # 30159852

Loan # [REDACTED] 8746

Notice of Default and Election To Sell

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by HEIDI LEE, AN UNMARRIED WOMAN as Grantor/Trustor, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., is named as Beneficiary and TRANSNATION TITLE INSURANCE COMPANY as Trustee and recorded 1/5/2005 as Instrument No. 2005-001260 of Official Records in the office of the Recorder of Washington County, Oregon covering the following described real property situated in said county and state, to-wit:

A tract of land in Section 25, Township 2 South, Range 1 West of the Willamette Meridian, Hillsboro, County of Washington and State of Oregon, more particularly described as follows: Beginning at a point that is West 30 feet and Northerly parallel with the East line of Section 25, a distance of 112.16 feet from the Southeast corner of Section 25, Township 2 South, Range 1 West, in the County of Washington and State of Oregon; thence Westerly at right angles to said section line 235.48 feet; thence Northerly parallel with the East line of the aforementioned Section 25, a distance of 268.68 feet; thence at right angles Easterly 235.48 feet to a point 30 feet from the East line of the aforementioned Section 25; thence Southerly parallel to and 30 feet distant from said East section line 268.68 feet to the point of beginning.

The street address or other common designation, if any, of the real property described above is purported to be:

21975 SW 65TH AVENUE, TUALATIN, OR 97062

Name and Address of the Current Beneficiary:

GREENPOINT MORTGAGE FUNDING, INC.
Bank of America - TX
5401 North Beach Street
Fort Worth, TX 76137

The undersigned trustee, FIDELITY NATIONAL TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, SUCCESSOR BY MERGER TO LAWYERS TITLE INSURANCE CORPORATION, A NEBRASKA CORPORATION, hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86.735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is Grantor's failure to pay when due the following sums:

Total payments from 6/1/2008 through 9/1/2010	\$60,379.48
Total late charges	
Total advances	\$0.00
Interest on Advances (if any)	\$0.00
TOTAL DUE THE BENEFICIARY	<u>\$60,379.48</u>

TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following:

The unpaid principal balance of \$318,272.39 together with interest thereon at the current rate of 7.00000 per cent (%) per annum from 5/1/2008 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice hereby is given that the beneficiary and current trustee, FIDELITY NATIONAL TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, SUCCESSOR BY MERGER TO LAWYERS TITLE INSURANCE CORPORATION, A NEBRASKA CORPORATION, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of execution by him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 AM in accord with the standard of time established by O.R.S. 187.110 on 1/27/2011 at the following place:

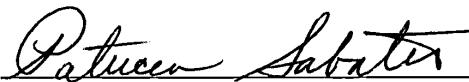
Inside the main lobby of the Washington County Courthouse 145 NE 2nd Ave, Hillsboro, OR 97124

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said O.R.S. 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Date: 9/14/2010

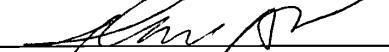
FIDELITY NATIONAL TITLE INSURANCE COMPANY, A
CALIFORNIA CORPORATION, SUCCESSOR BY MERGER
TO LAWYERS TITLE INSURANCE CORPORATION, A
NEBRASKA CORPORATION



By: Patricia Sabatino, Assistant Secretary

State of California}
County of Orange)ss.

On 9/12/2010 I certify that I know or have satisfactory evidence that **Patricia Sabatino** is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.



Dana A. Rosas, Notary Public
My Commission Expires _____



For further information please contact:

FIDELITY NATIONAL TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION,
SUCCESSOR BY MERGER TO LAWYERS TITLE INSURANCE CORPORATION, A NEBRASKA
CORPORATION
c/o UTLS Default Services, LLC
Post Office Box 5899
5 Park Plaza
Suite 1000
Irvine, CA 92616
(949) 885-4500

Sale Line: (714) 573-1965
Reinstatement Fax: (949) 885-4496

THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

1
2
3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I served the foregoing Declaration of Andrea Bartelamia in Support of
5 Plaintiff's Motion for Temporary Restraining Order and Order to Show Cause Why A
6 Preliminary Injunction Should Not Be Entered on the attorney or party listed below on the date
set forth below by the method(s) indicated:

7 Michael J. Farrell [] First-class mail, postage prepaid.
8 mfarrell@mblglaw.com [] Facsimile.
9 David W. Cramer [] Hand-delivery.
10 dcramer@mblglaw.com [] Overnight courier, delivery prepaid.
11 MB LAW GROUP, LLP [] E-mail.
12 117 SW Taylor St., Suite 200 [] E-mail copy, as a courtesy only.
13 Portland, OR 97204 [X] ECF/PACER.
14 [] Other.

15 McCarthy Holthus LLP
16 Attn.: John M. Thomas
17 920 SW 3rd Ave., 1st Floor
18 Portland, OR 97204

19 Dated: June 16, 2023.

20 MOTSCHENBACHER & BLATTNER LLP

21 _____
22 /s/ Nicholas J. Henderson
23 Nicholas J. Henderson, OSB No. 074027
24 (503) 417-0517 Direct
25 (503) 417-0501 Facsimile
26 nhenderson@portlaw.com
 Attorney for Plaintiff Andrea Bartelamia